

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:12-00013
)	JUDGE CAMPBELL
MANILA VICHITVONGSA, et al.)	

ORDER

The Court held a Pretrial Conference in this case on April 18, 2014. At the Pretrial Conference, the parties discussed certain of their pending pretrial motions. The Court rules on the motions as set forth herein.

The Joint Motion In Limine For Additional Peremptory Challenges (Docket No. 306), filed by Defendants Angela Whitson and Manila Vichitvongsa, and Nickless Whitson's Motion For Additional Peremptory Challenges (Docket No. 598) are GRANTED, as follows: The Defendants shall have 18 peremptory challenges to be exercised jointly if the Defendants so agree, or absent agreement, six challenges per Defendant, regarding the jury of 12; and the Government shall have 10 challenges regarding the jury of 12. Two alternate jurors shall be selected, and the Defendants shall have three peremptory challenges to be exercised jointly if the Defendants so agree, or absent agreement, one challenge per Defendant, as to the alternates; and the Government shall have three peremptory challenges as to the alternates.

Angela Whitson's Motion In Limine For Jury Out Hearing Prior To Introduction Of Any Evidence Of Gang Membership (Docket No. 591) is MOOT.¹ The Government has filed a Response (Docket No. 624) indicating that it does not intend to introduce evidence of gang

¹ Defendant Nickless Whitson has joined in Docket No. 591. (Docket No. 606).

membership in its case-in-chief.

Nickless Whitson's Motion For Disclosure Of Grand Jury Testimony (Docket No. 599) was WITHDRAWN by counsel at the Pretrial Conference.

Defendant Nickless Whitson's Motion In Limine No. 1 (Docket No. 600) regarding "home invasion" is DENIED, provided however, that counsel shall make contemporaneous objections, as necessary, at trial.

Defendant Nickless Whitson's Motion For Pretrial Identification Of Recordings To Be Used In Case-In-Chief (Docket No. 607) is MOOT based on the statements of counsel at the Pretrial Conference.

Defendant Nickless Whitson's Motion In Limine No. 2 (Docket No. 608) regarding "defendants collectively" is DENIED, provided however, that counsel shall make contemporaneous objections, as necessary, at trial.


Defendant Nickless Whitson's Motion To Produce Government Agents' Rough Notes (Docket No. 612) is DENIED as not required under Fed.R.Crim.P. 16, provided however, that the Government shall comply with its obligations under Brady v. Maryland, 373 U.S. 83 (1963).

Defendant Nickless Whitson's Motion In Limine No. 3 (Docket No. 613) was WITHDRAWN by counsel at the Pretrial Conference. Should the Government decide to offer the firearm into evidence, it is directed to provide the Court and counsel with prior notice.

Defendant Nickless Whitson's Motion To Produce Previously Litigated Information (Docket No. 614) is GRANTED, as follows: The Government is directed to produce the requested material by Monday, April 21, 2014, or provide an explanation for failing to do so.

The parties shall file any supplemental briefs regarding Defendant Nickless Whitson's Motion To Dismiss Counts Two, Four, Six and Eight (Docket No. 615)² on or before April 22, 2014.

It is so ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE

² Defendant Manila Vichitvongsa has joined in Docket Nos. 597, 598, 599, 600, 607, 608, 612, and 614 (Docket Nos. 601, 620). Defendant Angela Whitson has joined in Docket Nos. 597 and 598 (Docket No. 611).